

ON TRACK WITH MDT

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In my last column, I discussed the traffic safety issues facing Montana and the role MDT plays in helping address these issues.

Specifically, I talked about Montana's annual Governor's Traffic Safety Plan, a cooperative program designed to reduce the risks our travelers face. The plan deals with a host of issues, including reducing Montana's traffic fatality rate, improving safety restraint use, increasing DUI convictions and so forth. Its success is contingent upon the input and cooperation of various law enforcement, state, federal, tribal and community agencies. Simply put, Montana would not be where we are today without this coordinated effort.

The state's focus on traffic safety issues is likely to be even more apparent during the 2003 legislative session, when topics such as passing .08 Blood Alcohol Concentration (BAC) legislation, prohibiting open containers in motor vehicles, and requiring stiffer penalties for repeat DUI offenders take center stage.

Montana's need for legislation dealing with these issues is two-fold. First and foremost, these laws are absolutely key to reducing traffic accidents/fatalities and increasing public safety, goals that are an important part of both the state's and the nation's focus on safety issues.

Literature from the National Highway Traffic Safety Administration (NHTSA) bears this out. In a review of research on the effects of alcohol at BACs of .08 and lower, NHTSA found that over 1/3 of those participating in the study reported being impaired at a level below .08 – .05, to be exact. Ninety four percent reported impairment at a BAC of .08. They also found that measures such as divided attention (a person's ability to divide attention between two tasks at the same time) showed impairment with a BAC as low as .01. Measures such as tracking (a person's ability to match the movement of a stimulus in some way) showed impairment with a BAC as low as .0018 in some individuals and .005 overall. (Source: *Traffic Tech*, NHTSA Technology Transfer Series, May 2000). Research such as this helps explain how alcohol impairs driving and gives weight to the safety concerns mentioned above. These issues have local significance because 914 individuals were killed and 18,900 were injured in alcohol/drug-related crashes on Montana's roads from 1991 to 2000.

The second reason these laws are so important from a highways perspective is that Congress has passed legislation with large financial implications if we do not pass laws addressing these issues in a timely manner. Beginning October 1, 2003, the U.S. Department of Transportation will sanction Montana by withholding certain construction funds if we have not enacted .08 BAC legislation. The rate of withholding begins at two percent and increases to eight percent by 2012. The estimated impact follows:

FFY 2004 *	2% withheld	\$ 3,835,831
FFY 2005	4% withheld	7,671,663
FFY 2006	6% withheld	11,507,494
FFY 2007	8% withheld	15,343,325
FFY 2008	8% withheld	15,343,325
FFY 2009	8% withheld	15,343,325
FFY 2010	8% withheld	15,343,325
FFY 2011	8% withheld	15,343,325
FFY 2012	8% withheld	15,343,325
		<u>\$115,074,938</u>

Under current federal law, these construction funds will be withheld until Montana enacts the .08 BAC law. To recover any or all of these funds, Montana must have a law in effect by October 1, 2007. To date, 32 states have passed the requisite .08 BAC legislation.

As if that weren't enough, Montana stands to lose additional construction funds if we do not institute laws to prohibit open containers in motor vehicles and to require particular penalties for repeat DUI offenders.

The absence of each of these laws requires MDT to transfer 1.5 percent of certain federal construction funds to the Governor's Traffic Safety Plan. Montana has already transferred over \$11.5 million of these funds because we do not have the required legislation, and the withholding percentage will double in future years. The impact on our construction program is shown below:

FFY 2001*	3% withheld	\$ 5,621,652
FFY 2002	3% withheld	5,621,652
FFY 2003	6% withheld	11,243,304
FFY 2004	6% withheld	11,243,304
FFY 2005	6% withheld	11,243,304
FFY 2006	6% withheld	11,243,304
		<u>\$56,216,520</u>

Collectively, the absence of these three laws will cost the state an estimated \$171.3 million in federal construction dollars. Any way you look at it, these losses will significantly impact Montana's economy. Therefore, I urge you to learn everything you can about these issues and to lend your support to proposed legislation in 2003. Doing so is key to staying "on track," not only with MDT but also with the safety concerns of both our state and nation.

Dave Galt
Director

* FFY stands for federal fiscal year. A federal fiscal year runs from October 1 of one year through September 30 of the next. The state's fiscal year runs from July 1 through June 30.